

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

A.H., et al.,

Plaintiffs,

vs.

COUNTY OF ST. LOUIS,
MISSOURI,

Defendant.

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No. 4:16-CV-509 CDP

**MOTION OF DEFENDANT ST. LOUIS COUNTY
TO DISMISS**

COMES NOW Defendant St. Louis County and asks the Court to Dismiss Plaintiffs' lawsuit with prejudice. As grounds for the Motion, Defendant states as follows.

1. The allegations in the Complaint fail to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
2. Claims pertaining to medical treatment are not cognizable und 42 U.S.C. §12101, et seq. or 29 U.S.C. §701, et seq.
3. Plaintiffs filed identical claims against Defendant St. Louis County in a lawsuit that is currently pending before Hon. Carol Jackson. Plaintiffs may not split their cause of action as a matter of law.
4. Defendant files its Memorandum of Law in Support of its Motion to Dismiss, and incorporates all reasons raised in the Memorandum of Law in support of its motion.

WHEREFORE, for the foregoing reasons, Defendant St. Louis County asks the Court to grant its Motion to Dismiss, and to dismiss plaintiffs' lawsuit with prejudice.

PETER J. KRANE
COUNTY COUNSELOR

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CERTIFICATE OF SERVICE

I certify that a copy of this document was sent by the Court's electronic filing system this 18th day of May, 2016 to all attorneys of record.

Priscilla F. Gunn